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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPNAY PETITION NO.447 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Mr. Dilip Taur i/by M/s. K. Ashar & Co. for the petitioners.

No appearance for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 12th July, 2007

P.C.

1. The petitioner has invoked the provisions of Section 433 and 434 of the Company Act as the claim of the petitioner for Rs.40,72,795.67 ps. remained unpaid. There is an acknowledgement of liability by letter dated 24/03/2003, as statutory notice was given on

15/12/2003. There is no reply to the same.

2. On 10th March, 2005, though served, none appeared for the petitioner and this court therefore, admitted the petition and directed the petitioner to comply all the formalities of advertisements.

3. The affidavit of advertisement dated 11th January 2005 and affidavit of service dated 14th February, 2006 are the part of the record.

4. None appeared for the petitioner till this date.

5. The averments made in the present petition, therefore, remained uncontroverted, apart from the acknowledgement of the liability as referred above. The

claim is also within limitation.

6. The petition is allowed in terms of prayer clause (a) and (b). The concerned parties to take appropriate steps in accordance with law.

(ANOOP V. MOHTA,J.)